

ORRICK, HERRINGTON & SUTCLIFFE LLP  
 KAREN G. JOHNSON-MCKEWAN (SBN 121570)  
 kjohnson-mckewan@orrick.com  
 ANNETTE L. HURST (SBN 148738)  
 ahurst@orrick.com  
 GABRIEL M. RAMSEY (SBN 209218)  
 gramsey@orrick.com  
 405 Howard Street, San Francisco, CA 94105  
 Tel: 1.415.773.5700 / Fax: 1.415.773.5759  
 PETER A. BICKS (*pro hac vice*)  
 pbicks@orrick.com  
 LISA T. SIMPSON (*pro hac vice*)  
 lsimpson@orrick.com  
 51 West 52<sup>nd</sup> Street, New York, NY 10019  
 Tel: 1.212.506.5000 / Fax: 1.212.506.5151  
 BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES (*pro hac vice*)  
 dboies@bsflp.com  
 333 Main Street, Armonk, NY 10504  
 Tel: 1.914.749.8200 / Fax: 1.914.749.8300  
 STEVEN C. HOLTZMAN (SBN 144177)  
 sholtzman@bsflp.com  
 1999 Harrison St., Ste. 900, Oakland, CA 94612  
 Tel: 1.510.874.1000 / Fax: 1.510.874.1460  
 ORACLE CORPORATION  
 DORIAN DALEY (SBN 129049)  
 dorian.daley@oracle.com  
 DEBORAH K. MILLER (SBN 95527)  
 deborah.miller@oracle.com  
 MATTHEW M. SARBORARIA (SBN 211600)  
 matthew.sarboraria@oracle.com  
 RUCHIKA AGRAWAL (SBN 246058)  
 ruchika.agrawal@oracle.com  
 500 Oracle Parkway,  
 Redwood City, CA 94065  
 Tel: 650.506.5200 / Fax: 650.506.7117  
*Attorneys for Plaintiff*  
 ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
 Plaintiff,  
 v.  
 GOOGLE INC.,  
 Defendant.

Case No. CV 10-03561 WHA  
**STIPULATION AND [PROPOSED]  
 ORDER RE: MOTIONS TO COMPEL  
 [DKT. 1403 AND 1413]**  
 Dept. Courtroom 8, 19<sup>th</sup> Fl.  
 Judge: Hon. William Alsup

1 WHEREAS, pursuant to the Court's Order of December 24, 2015 (Dkt. 1407), on  
2 January 5, 2016 the parties met and conferred further regarding Oracle's Motion to Compel  
3 Compliance and for Sanctions (Dkt. 1403);

4 WHEREAS, during the parties' January 5, 2016 meet and confer, the parties agreed to a  
5 compromise designed to resolve both that Motion and another of Oracle's pending discovery  
6 motions, the Motion to Compel Deposition Topics 2-4 and 8 (Dkt. 1413); and

7 WHEREAS, Google states that it has agreed to this compromise in an effort to informally  
8 resolve discovery disputes without agreeing with the merits of Oracle's pending motions.

9 THEREFORE, it is hereby stipulated and agreed as follows:

10 1. Oracle withdraws its pending Motion to Compel as to the Deposition Topic 8 as  
11 discussed in Dkt. 1413 and this stipulation hereby resolves Oracle's pending motion to compel  
12 compliance and for sanctions (Dkt. 1403) and its pending motion to compel on Deposition  
13 Topics 2-4 (Dkt. 1413).

14 2. Google will produce the documents that are senior-executive level presentations  
15 that have been a subject of Oracle's pending Motion to Compel Compliance and for Sanctions  
16 (Dkt. 1403), as discussed by the parties. For those presentations to be produced that postdate  
17 2013, Google may redact material that it contends to be non-relevant or otherwise protected from  
18 production, but Oracle reserves the right to contest any such redactions in a single additional  
19 motion to compel, and this opportunity to challenge the redactions is a condition of this  
20 stipulation. Google will complete production of the additional documents by January 15, 2016.  
21 In the event that a dispute arises regarding Google's redactions, the parties will promptly meet  
22 and confer, and any motion contesting the redactions must be filed by January 22, 2016.

23 2. After the documents discussed in paragraph 1 above are produced, Google will  
24 present the following two Rule 30(b)(6) witnesses to testify regarding financial information, as  
25 well as information within the scope of Topics 2, 3, and 4 of Oracle's Rule 30(b)(6) Deposition  
26 Notice to Google (dated November 2, 2015): (a) a financial witness will be produced to testify  
27 for up to 3.5 hours, and (ii) Jim Kolotourous from Google's Global Business Group will be  
28 produced to testify for up to 5 hours. Google will prepare the witnesses to testify consistent with

1 Judge Alsup's standing order regarding Rule 30(b)(6) deposition preparation, Dkt. 26 at § 23, but  
2 Google does not represent that these witnesses have knowledge about the full scope of Topics 2  
3 through 4. Oracle withdraws its demand for additional 30(b)(6) testimony with respect to Topic  
4 8.

5 3. These additional depositions shall be completed by January 30, 2016, and any  
6 further motion to compel regarding any asserted inadequacy of that testimony shall be filed by  
7 February 8, 2016.

8  
9 Dated: January 6, 2015

10 ANNETTE L. HURST  
11 Orrick, Herrington & Sutcliffe LLP

12 By: /s/ Annette L. Hurst

13 Attorneys for Plaintiff  
14 ORACLE AMERICA, INC.

15 Dated: January 6, 2015

16 CHRISTA ANDERSON  
17 Keker & Van Nest LLP

18 By: /s/ Christa Anderson

19 Attorneys for Defendant  
20 GOOGLE INC.

21  
22 **[PROPOSED] ORDER**

23 The foregoing stipulation is approved, and IT IS SO ORDERED.

24  
25  
26 Date: \_\_\_\_\_

27 \_\_\_\_\_  
28 Hon. William Alsup  
Judge of the United States District Court

**ATTESTATION**

I attest that concurrence in the filing of this document has been obtained from each of the other Signatories to this letter.

*/s/ Annette L. Hurst*

---